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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,263	05/29/2001	Mark J. Pivac	01-307L	5396
719	7590	12/05/2003	EXAMINER	
CATERPILLAR INC.			DRAPER, DEANN L	
100 N.E. ADAMS STREET				
PATENT DEPT.				
PEORIA, IL 616296490				
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/885,263

Applicant(s)

PIVAC, MARK J.

Examiner

Deanna L. Draper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 14-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). \_\_\_\_\_
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*Acknowledgements*

The Amendment filed by the Applicant on September 22, 2003 is acknowledged. Claims 11 – 13 have been cancelled.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 5, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skotnikov et al. (US 6,311,795), and further in view of Krupinski (US 6,452,487). Skotnikov discloses a work vehicle with a chassis (100 in Fig. 1), at least one ground engaging member (108 in Fig. 1), at least one elongate member having a first end rotatably coupled with the chassis (123b in Fig. 1) and a second end coupled to the ground engaging member (130 in Fig. 1), a controller (see Fig. 6), a position sensor generating a position signal indicative of an orientation of said elongate member to the chassis and relaying the position signal to the controller to change the chassis vertical height (156 in Fig. 1; Col. 4, lines 10 – 12 and 26 – 31). Skotnikov also discloses a hydraulic motor coupled to said second end for imparting motion to the ground engaging member (115 in Fig. 1). However, Skotnikov does not disclose a controller for calculating an average slope. Krupinski discloses a system and method for warning of a tip over condition in a trailer, including a controller (30 in Fig. 7) which calculates threshold values depending on the level of the road, where the alarm threshold values are change in the average

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mean slope (Col. 5, lines 8 – 19; Col. 4, lines 14 – 39), in order to control the level of the ride of the vehicle. Therefore, it would have been obvious to an ordinary person skilled in the art at the time the invention was made to modify Skotnikov by including a controller which calculates an average slope value as taught by Krupinski, which could be used with the controller to change the chassis vertical height in order to control the level of the ride of the vehicle.

Claims 2 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skotnikov modified by Krupinski, as applied to claims 1 and 14 above, and further in view of Pischke et al. (US 5,142,897). Skotnikov modified by Krupinski discloses the invention as claimed above, however the sensor is not a potentiometer. Pischke discloses a height measuring sensor that is a simple potentiometer (Col. 2, line 27) in order to measure a deviation in body height due to a change in load. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the position sensor in Skotnikov modified by Krupinski a potentiometer in order to effectively measure a deviation in body height due to a change in load, as taught by Pischke.

Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skotnikov modified by Krupinski as applied to claims 1 and 14 above, and further in view of Ahonen (US 4,099,733). Skotnikov modified by Krupinski discloses the invention as claimed in Claim 1 and also states that the work vehicle in question can be a construction vehicle, tractor, or other agricultural vehicle, etc. (Col. 2, lines 49 – 52), however does not disclose a vehicle with a cab portion and first trailer portion hingedly coupled to the cab portion. Ahonen discloses a vehicle including a cab portion (5 in Fig. 1) with a first trailer portion hingedly coupled to and

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articulable relative to the cab portion (2 in Fig. 1) in order to carry a load or heavy machinery. Therefore, it would have been obvious to further modify Skotnikov and Krupinski by making the agricultural vehicle one having a cab portion with a first trailer portion hingedly coupled to the cab portion in order to carry a load or heavy machinery, as taught by Ahonen.

Claims 6, 7, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skotnikov modified by Krupinski, and further in view of Rumminger (US 4,557,497). Skotnikov modified by Krupinski discloses the invention as claimed above, however does not disclose a cab and second trailer portion coupled to and articulable relative to the first trailer portion. Rumminger discloses a tandem trailer with a cab (10 in Fig. 1) and second trailer (14 in Fig. 1) coupled to and articulable relative to a first trailer portion (12 in Fig. 1) in order to obtain the load carrying ability of a large trailer without unduly limiting the unit's maneuvering capability. Therefore it would have been obvious to further modify Skotnikov modified by Krupinski by adding a cab and second trailer portion coupled to and articulable relative to the first trailer portion in order to obtain the load carrying ability of a large trailer without unduly limiting the unit's maneuvering capability, as taught by Rumminger.

Claims 8 – 10, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skotnikov modified by Krupinski, and further in view of Martin et al. (US 5,709,394). Skotnikov discloses the invention as claimed above, including a provision for using more than 4 wheels (Col. 3, lines 11 – 13; Col. 8, lines 61 – 63), however does not disclose a pendulum acting as a gravity operated roll sensor. Martin discloses a suspension means for a utility vehicle

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including a sensor (91) which may be a pendulum (Col. 9, line 21) in order to sense transverse inclination of the frame and level the vehicle. Therefore it would have been obvious to further modify Skotnikov modified by Krupinski by using a pendulum as a gravity operated roll sensor in order to sense transverse inclination of the frame in order to level the vehicle transversely, as taught by Martin.

### *Response to Arguments*

Applicant's arguments with respect to claims 1 – 10 and 14 – 19 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deanna L. Draper whose telephone number is 703-306-5939.


The examiner can normally be reached on Monday - Friday, 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
DEANNA L. DRAPER  
PATENT EXAMINER

dld  
December 1, 2003

 12/1/03  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
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